

Exhibit 1

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

TIMOTHY KING, MARIAN ELLEN
SHERIDAN, JOHN EARL HAGGARD,
CHARLES JAMES RITCHARD, JAMES
DAVID HOOPER, and DAREN WADE
RUBINGH,

Plaintiffs,

v.

GRETCHEN WHITMER, in her official
capacity as Governor of Michigan,
JOCELYN BENSON, in her official
capacity as Michigan Secretary of State,
and MICHIGAN BOARD OF STATE
CANVASSERS.

Defendants.

DEMOCRATIC NATIONAL
COMMITTEE and MICHIGAN
DEMOCRATIC PARTY,

Intervenor-Defendants.

CITY OF DETROIT,

Intervenor-Defendants.

ROBERT DAVIS

Intervenor-Defendant.

CIVIL ACTION

Case No. 2:20-CV-13134

Hon. Linda V. Parker

**INTERVENOR-DEFENDANTS'
RESPONSE TO PLAINTIFFS'
SUBMISSION OF
SUPPLEMENTAL AUTHORITY**

In support of their motion for Declaratory, Emergency, and Permanent
Injunctive relief seeking to “de-certify” Michigan’s election (ECF No. 7), Plaintiffs

have submitted, as supposed “supplemental authority,” an order setting a briefing schedule in a case Plaintiffs’ counsel initiated in the U.S. District Court for the Eastern District of Wisconsin seeking to nullify the results of that state’s presidential election. *See* ECF No. 57 & 57-1. Plaintiffs contend that the scheduling order in the Wisconsin case “rebutts Defendant and Defendant Intervenors’ assertion of laches and abstention as grounds for dismissal of the Complaint and denial of Plaintiffs’ TRO motion” in the present action. ECF No. 57 at 3.

Plaintiffs’ characterization of the Wisconsin scheduling order is blatantly incorrect. The Wisconsin order *sets a briefing schedule*. It does not address or resolve the merits of any claims or defenses asserted in the Wisconsin case—including laches and abstention—let alone in this case. *See* ECF No. 14-1 at 7-10; ECF 31 at 3-7, 19-31; ECF No. 39 at 26-29, 30.

Dated: December 4, 2020.

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**Admission forthcoming*